
Divorce/Legal Separation Respondent's Procedural Checklist

Court Self-Help Center
Room C-108

Family Court Office
Room C-112

Waukesha County Courthouse
515 W. Moreland Blvd
Waukesha, WI 53188

Copies can be made in the Court Self-Help Center for \$.25 per page.

You have been Served with Divorce/Legal Separation Papers: Now What?

1. ☐ Complete the **Response and Counterclaim** (FA-4113) within 20 days of being served with the Summons and Petition.
2. ☐ If you have minor children, wait to sign it until you are in the presence of a **Notary Public**.
3. ☐ Call 262-548-7524 to make an appointment to have your form reviewed for completeness.
4. ☐ Make two (2) photocopies. Make an additional copy if you are receiving Public Assistance.
5. ☐ File the original **Response and Counterclaim** at the Customer Service window in the Family Court Office.
6. ☐ Send one copy to your spouse, send one copy to the Child Support Division if you are receiving Public Assistance, and keep one copy for your records.

If your spouse

A. Served you with the **Order to Show Cause and Affidavit for Temporary Order**:

1. Prepare and take the following items to court on the date of the Temporary Hearing:
 - Wage statements showing year-to-date income and deductions, or statements of other sources of income if not employed, for the twelve (12) week period before the hearing.
 - The original and two copies of your completed, signed, and dated **Financial Disclosure Statement** (FA-4139).
 - State and Federal income tax returns from the last two taxable years (only one copy of each needs to be filed).
 - A list of disputed issues and explanations of how and why you want the commissioner to rule on those issues (you may want to review the **Stipulation/Temporary Order** form as it describes the issues that will be discussed at the Temporary Hearing).
2. Following the Temporary Hearing, the commissioner will print and give each party a copy of the **Temporary Order**, which will remain in effect until the divorce is final or otherwise modified by the court.

If your spouse...

B. **Did not** serve you with an **Order to Show Cause and Affidavit for Temporary Order**. You have three options:

1. Do nothing and proceed as you are until the final hearing.
2. Discuss and complete with your spouse the **Stipulation for Temporary Order** (FA-4126 or FA-4127) putting your agreements in writing. Once signed by the Family Court Commissioner, the Stipulation will remain in effect until the divorce is granted or modified by another agreement or court order.
 - a. ☐ Discuss with your spouse how you will temporarily handle your marital debts, property, children, and other obligations.
 - b. ☐ Complete the **Stipulation for Temporary Order** form to make your temporary agreements a court order.
 - c. ☐ Call 262-548-7524 to make an appointment to have your form reviewed for completeness.
 - d. ☐ Send or deliver to the Clerk of Courts Family Division the original and three (3) copies of the **Stipulation for Temporary Order** and two self-addressed stamped envelopes (one addressed to you and one addressed to the other party). If you are receiving public assistance (the State is a party), include one additional copy and one unstamped envelope addressed to the Waukesha County Child Support Division, Room 348 (1320 Pewaukee Rd., Waukesha WI, 53188).
 - e. ☐ The court will review the documents and either approve and send each party a copy of the signed **Stipulation for Temporary Order**, OR not approve and will return the forms to you.
3. Request a Temporary Hearing because you cannot agree on how to handle things during the 120-day waiting period. To make this request you must...
 - a. ☐ Complete the **Order to Show Cause and Affidavit for Temporary Order** (FA-4128 or FA-4129).
 - b. ☐ Call 262-548-7524 to make an appointment to have your form reviewed for completeness.
 - c. ☐ Make three (3) copies.
 - d. ☐ File the original and all copies at the Customer Service window in the Family Court Office. The clerk will authenticate (uniquely stamp) all copies, give you a date for the Temporary Hearing, and will keep a copy of the forms for the Family Court case file. Two of the copies are for you and your spouse, and the original must be returned to court after you have had the other party served.

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- e. ☐ Serve an authenticated copy on your spouse. If you need additional information on the options for how to have the other party served, you may purchase a **Service Packet (P-3000)** in the Court Self-Help Center or download it for free from the Court Self-Help website.
 - f. ☐ File the original proof of service (**Affidavit of Service** or **Admission of Service**) and the original forms in the Family Court Office.
 - g. ☐ Prepare and take the following items to court on the date of the Temporary Hearing:
 - Wage statements showing year-to-date income and deductions, or statements of other sources of income if not employed, for a period of twelve (12) weeks before the hearing.
 - The original and two copies of your completed, signed, and dated **Financial Disclosure Statement**.
 - Federal and State income tax returns from the last two taxable years.
 - A list of disputed issues, explanations of how you want the commissioner to rule on those issues, and why (You may want to review the **Stipulation for Temporary Order** form as it describes the issues that will be settled at the Temporary Hearing).
 - h. ☐ Following the Temporary Hearing, the commissioner will print and give each party a copy of the Temporary Order, which will remain in effect as an order of the court until the divorce/legal separation is final, or until otherwise modified by the court.

Preparing for the Pre-Trial Conference

1. ☐ Once you have been served with the **Summons** and **Petition**, the clerk will schedule a Pre-Trial Conference. The date of the Pre-Trial Conference will be sent to you in the mail from the court on a **Notice of Pre-Trial Conference**. The date for the Pre-Trial Conference will be no fewer than 120 days from the date you were served, and is the first date on which your divorce/legal separation can be granted. You will also receive a **Pre-Trial Order** containing instructions from the judge. If you have minor children, you should also receive a brochure on the **Helping Children Cope With Divorce Seminar**.
2. ☐ Read and follow the instructions on the **Pre-Trial Order**.
3. ☐ You must attend the **Helping Children Cope with Divorce Seminar** if there are minor children. If you have questions about this seminar, you may call Family Court Counseling Services at 262-548-7900.
4. ☐ You must complete, date, and sign a **Financial Disclosure Statement** (FA-4139) (your spouse must complete his/her own).

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5. ☐ Attach the following items to your **Financial Disclosure Statement**:
- Copies of your State and Federal income tax returns for the last two taxable years,
 - Wage statements showing year-to-date income and deductions for all employment,
 - Information regarding the types and costs of any health insurance policies or plans available to you for the children.
6. ☐ Make two (2) copies of the Financial Disclosure Statement and all required attachments.
7. ☐ You and your spouse should **together** complete the **Marital Settlement Agreement** (FA-4150 of FA-4151) (you do not each need to complete one), both sign and date it, and make three (3) copies to take to court. Make an additional copy for the State of Wisconsin if you are receiving public assistance.
8. ☐ Call 262-548-7524 to make an appointment to have your form reviewed for completeness.
9. ☐ No later than **10 days** before the date of your **Pre-Trial Conference**, send your original **Financial Disclosure Statement** with all required attached documentation and the original **Marital Settlement Agreement** to the court (keep the remaining copies and take them with you to court).
10. ☐ You and/or your spouse must complete the **Findings of Fact, Conclusions of Law and Judgment** (FA-4160 or FA-4161) and make three (3) copies to take to court. Make an additional copy for the State of Wisconsin if you are receiving public assistance.

The Pre-Trial Conference

1. ☐ On the day of your hearing, you and your spouse may go to the Court Self-Help Center to have your forms reviewed for completeness and to verify that all your documents are completed and you have the appropriate number of copies.
2. ☐ Gather and take the following with you to court:
- Two (2) copies (or 3 if the State is a party to the case) of your completed, signed, and dated **Financial Disclosure Statement** with attached documents (you already sent the original to the court). Once you get to court, give one copy to your spouse and keep the other for reference.
 - **Helping Children Cope with Divorce Completion Certificate.**
 - Three (3) copies of the completed, dated, and signed **Marital Settlement Agreement**.
 - The original and three (3) copies of your completed **Findings of Fact, Conclusions of Law and Judgment** form.
 - Two business-sized, stamped envelopes.
 - Take any other documents you think may help you make your case to the court.
3. ☐ Go to the assigned courtroom at least 20 minutes before your court time and let the bailiff or court clerk know for which case you are appearing (you may want to go even earlier to observe another hearing).

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4. ☐ When your case is called, go to the front of the room and sit where directed by the court or the bailiff. Take all your papers and documents with you.
 5. ☐ Be prepared to testify under oath and answer questions that may be asked of you by the court or by the other side. If you wish to offer written evidence or documents to the court, give the original to the court and a copy to the other side.
 6. ☐ The Court may either grant your divorce/legal separation or set another court date for you to return.
 7. ☐ If the court grants your divorce, one or both of you must go to the Family Court Office to
 - Complete the **Vital Statistics** form.
 - File any remaining copies of the **Marital Settlement Agreement** and **Findings of Fact Conclusions of Law and Judgment** and two stamped, business-sized envelopes (**only** if the Judge did not return stamped copies to you in court).
 - Pay the **\$5.00** fee to file the **Findings of Fact, Conclusions of Law and Judgment** form.
 8. ☐ If you did not receive your copy on the date of your hearing, about 3 weeks after the date of your hearing you will receive a copy of the **Findings of Fact, Conclusions of Law and Judgment** and attached **Marital Settlement Agreement** forms from the court with the Judge's conformed signature. These documents serve as your final divorce papers and you must keep them for your records as proof of the divorce.

PRINT in BLACK ink

**STATE OF WISCONSIN, CIRCUIT COURT,
WAUKESHA COUNTY**

For Official Use

Enter your spouse's name
(he/she is the petitioner).

In re the marriage of:
Petitioner:

First name Middle name Last name

and

On the far right, check if
your spouse filed for
divorce or legal
separation.

Response and Counterclaim

Enter your name (you are
the respondent).

Respondent:

☐ **Divorce-40101**
☐ **Legal Separation-40201**

First name Middle name Last name

Enter the case number.

Case No. _____

RESPONSE

I am the respondent in this action.

Read through section A,
section B, section C, and
section D of the Petition.

If all the statements are
true, check yes in the
appropriate section.

If any statement or fact
is untrue or incorrect,
check no in the
appropriate section and
enter the correct
information on the lines.

A. I accept all the statements made in section A of the **Petition to be true and correct.**

☐ **Yes**

☐ **No** I am making the following changes: _____

B. I accept all the statements made in section B of the **Petition to be true and correct.**

☐ **Yes**

☐ **No** I am making the following changes: _____

C. I accept all the statements made in section C of the **Petition to be true and correct.**

☐ **Yes**

☐ **No** I am making the following changes: _____

D. I accept all the statements made in section D of the **Petition to be true and correct.**

☐ **Yes**

☐ **No** I am making the following changes: _____

COUNTERCLAIM

I REQUEST THE FOLLOWING RELIEF FROM THE COURT:

Check if you request a divorce, legal separation, or dismissal of this action. If legal separation, explain why you are requesting a legal separation and not a divorce.

A. A judgment of

☐ **Divorce:** This marriage is irretrievably broken.

☐ **Legal Separation:** This marriage is broken and the reason I am requesting a legal separation and not a divorce is: _____

☐ **Dismissal** of this action.

B. Enter other orders as it deems just and equitable.

STOP!

If you have minor children, take this document to a Notary Public **BEFORE** you sign it.

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

If you **do not** have minor children, sign, print your name and date. A Notary **is not** required.

Have the Notary Public sign, date, and seal the document.

Signature

Name Printed or Typed

Date

Subscribed and sworn to before me on _____

(Seal)

Notary Public, State of Wisconsin

My commission expires: _____